

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; REPEALING SECTION 54-1739, IDAHO CODE, RELATING TO SEVERABILITY; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1739, IDAHO CODE, TO PROVIDE FOR PROSPECTIVE DRUG REVIEW AND COUNSELING IN THE IDAHO PHARMACY ACT; REPEALING SECTION 54-1749, IDAHO CODE, RELATING TO PROSPECTIVE DRUG REVIEW AND COUNSELING; REPEALING SECTION 54-1750, IDAHO CODE, RELATING TO SEVERABILITY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1771, IDAHO CODE, TO PROVIDE SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section [54-1739](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1739, Idaho Code, and to read as follows:

54-1739. PROSPECTIVE DRUG REVIEW AND COUNSELING. (1) Before dispensing any prescription, a pharmacist shall complete a prospective drug review as defined in section 54-1705, Idaho Code.

(2) Before dispensing a prescription for a new medication, or when otherwise deemed necessary or appropriate, a pharmacist shall counsel the patient or caregiver. In addition to the counseling requirements provided in section 54-1705, Idaho Code, counseling shall include such supplemental written materials as required by law or as are customary in that practice setting. For refills or renewed prescriptions, a pharmacist or a technician shall extend an offer to counsel the patient or caregiver. If such offer is accepted, a pharmacist shall provide such counseling as necessary or appropriate in the professional judgment of the pharmacist. All counseling and offers to counsel shall be face to face with the patient or caregiver when possible, but if not possible, then a reasonable effort shall be made to contact the patient or caregiver. Nothing in this section shall require a pharmacist to provide counseling when a patient or caregiver refuses such counseling or when counseling is otherwise impossible. Patient counseling shall not be required for inpatients of a hospital or institutional facility when licensed health care professionals administer the medication.

(3) This section shall apply to all registered and licensed pharmacies, including mail service pharmacies. In cases of prescriber dispensing, the prescriber shall perform the prospective drug review and counseling consistent with the provisions of this section.

SECTION 3. That Section [54-1749](#), Idaho Code, be, and the same is hereby repealed.

1 SECTION 4. That Section [54-1750](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 5. That Chapter 17, Title 54, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 54-1771, Idaho Code, and to read as follows:

6 54-1771. SEVERABILITY. The provisions of this chapter are hereby de-
7 clared to be severable and if any provision of this chapter or the applica-
8 tion of such provision to any person or circumstance is declared invalid for
9 any reason, such declaration shall not affect the validity of remaining por-
10 tions of this chapter.